

Exhibit 128:

Lymon Prosecutor Letter [MSP 1649]



STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING

GRETCHEN WHITMER
GOVERNOR

COL. JOSEPH M. GASPER
DIRECTOR

November 30, 2022

Allegan County Prosecuting Attorney
113 Chestnut
Allegan, MI 49010

Allegan County Prosecuting Attorney,

Based on the Michigan Court of Appeals decision in *People v Lymon* (Dkt. 327355, June 16, 2022) and advice from the Department of the Attorney General, the Michigan State Police Sex Offender Registry Unit (SOR) will remove from the registry individuals convicted solely of Unlawful Imprisonment (MCL 750.349B), Kidnapping (MCL 750.349), or Child Enticement (MCL 750.350). Individuals convicted of one of those three offenses and another registrable offense will remain on the registry, but their tier may change.

This is not a determination that the individual no longer needs to register, verify, or update as required by law.

Our records indicate that the individuals on the enclosure are registered based solely on a conviction for one of the above charges out of your office.

Whether those listed still have registration obligations under the SORA depends on the specific facts underlying the case – whether there was a sexual component to the crime, as explained in *Lymon*. The Michigan State Police does not have the authority to make factual determinations that are necessary to evaluate whether those listed still have registration obligations in light of the *Lymon* opinion. The department recognizes registration could have been a condition of the plea or some other extenuating circumstance.

Currently, these individuals are on the unpublished registry but will be removed from the registry 90 calendar days from the date of this letter. If your office determines that an individual must still register, please provide us a copy of the information you relied upon in making the factual determination underlying the decision to require continued registration and correspondence sent to the individual in light of this review, if any. Those individuals will be placed back on the public registry as required. The notice and information will be stored in the record in the law enforcement, non-public database for other law enforcement agencies to review before deciding on a potential future willful violation.

Registrants removed from the registry will receive a letter (copy attached). This letter will advise that they are being removed from the registry, but this does not necessarily absolve them of the duty to register under Michigan law, federal, or another state's laws.

We appreciate the support and assistance you and the other agencies continue to provide to the Michigan State Police related to the SORA.

Cc: law enforcement agency
Enclosure

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Does v Whitmer
Case No. 22-cv-10209
RTP#2

MSP-0001649
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